

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JENNIFER DEFRAIN,

Plaintiff,

v.

Case No. 14-10002
Honorable Denise Page Hood

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER DISMISSING PLAINTIFF'S COMPLAINT
FOR FAILURE TO PROSECUTE (DOC. # 1)**

Plaintiff Jennifer Defrain filed a Complaint seeking judicial review Defendant Commissioner of Social Security's denial of benefits. This matter was stayed under Administrative Order 15-AO-045. The Court ordered Plaintiff's former counsel to inform Defrain she needed to obtain new counsel within 60 days or she would be considered as proceeding pro se. Victor L. Galea, Sr. filed a Motion for Order Substituting Attorney in this matter on December 29, 2015. (Doc. # 23). On March 4, 2016, the stay in this matter was lifted and Galea's Motion for Order Substituting Counsel was granted. (Doc. # 26). All previous motions filed by Defrain's former attorney were deemed moot. *Id.* The Court

informed Galea that any new or amended motions for summary judgment must be filed by April 4, 2016. *Id.* So far, Galea has not filed anything.

Federal Rule of Civil Procedure 41(b) provides that, if a plaintiff fails to prosecute an action or comply with Federal Rules or with orders of the Court, a defendant may move to dismiss the action. Fed.R.Civ.P. 41(b). “The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). A court may sua sponte dismiss a complaint for failure to prosecute without providing notice to the parties. *Id.* at 633.

The Court dismisses this action under Rule 41(b) for failure to prosecute. The Court ordered Galea to file any motions for summary judgment by April 4, 2016. It is now the end of May 2016, well beyond the due date for filing motions for summary judgment. Aside from his initial appearance, he has not filed anything. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: May 31, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 31, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager